

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEO L. DURAN,

Plaintiff,

v.

No. CIV 09-0758 BB/DJS

TAMARA CURTIS,
JANICE DAVIS,
DR. DONALDSON,
MS. BEAN,

Defendants.

**ORDER TO CURE DEFECTS AND
FOR PERSONAL SERVICE OF PROCESS**

This matter is before the Court *sua sponte*. Plaintiff's complaint and notice and waiver of service forms were mailed, with copies of the complaint, to Defendants Curtis, Davis, Donaldson, and Bean. The documents mailed to Defendants Davis and Curtis been returned undelivered, indicating that these Defendants are no longer at the correctional facility. A person requesting service under 28 U.S.C. § 1915 is required to provide adequate information to permit service on a defendant. Plaintiff is directed to cure the following if he wishes to pursue his claims against these Defendants:

**File a response to this order with current addresses for
service on Defendants Davis and Curtis.**

Failure to timely cure the designated deficiencies may result in dismissal of claims against Defendants without prejudice without further notice.

Furthermore, no documents have been returned to the Court for Defendant Bean. Because this Defendant has not waived service, personal service is required. Under Fed. R. Civ. P. 4(d)(2),

costs of further attempts at service shall be imposed on a defendant who, without good cause, does not comply with a request to waive service.

IT IS THEREFORE ORDERED that, within thirty (30) days from entry of this Order, Plaintiff file a response with current addresses for service on Defendants Davis and Curtis;

IT IS FURTHER ORDERED that the Clerk is directed to issue summons for Defendant Bean, and the U.S. Marshal shall serve the summons and complaint personally on Defendant Bean as directed by the Clerk. The service of the summons and complaint shall be at no cost to the Plaintiff.


UNITED STATES MAGISTRATE JUDGE